POLI 445: Seminar in Judicial Process and Behavior
Spring 2021

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Office Hours: Call or text anytime between 9a and 9p and we can address your questions.

Course Time: 3:10-5:50 TH

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A. Course Description

This is a senior seminar that will consider the origins and consequences of American legal processes examining historical and social scientific research and selected judicial decisions.

Among the broader concerns we will consider:

Why courts and law?

- Here we focus on the traditions and functions of the judiciary as derived from British practices and adapted to colonial and early national conditions.

Why these courts?

- We will explore the institutional development of American courts concerning their structures, jurisdictions and processes of judicial selection.

Why these processes?

- Here we consider the constraints and opportunities for the exercise of judicial power generally and the processes of judicial decision making with special emphasis on the US Supreme Court

How have courts made a difference in America?

- *We will assay the consequences of the judiciary in American legal, political and economic development with special attention to US Supreme court rulings.*

B. Readings

Required Readings

Lawrence Friedman, *A History of American Law. Third Edition*: Touchstone, 2005.

Gerald Rosenberg. *The Hollow Hope: Can Courts Bring About Social Change?* Second Edition. Chicago: 2008.

Lee Epstein and Jack Knight, *The Choices Justices Make*. CQ Press: 1997.

Matthew Hall, *The Nature of Supreme Court Power*. Cambridge: 2010.

Lucas Powe, *The Supreme Court and the American Elite*. Harvard: 2009.

Jeffrey Segal and Harold Spaeth, *The Supreme Court and the Attitudinal Model Revisited.* Cambridge: 2002.

Keith E. Whittington. *Political Foundations of Judicial Supremacy: The Presidency, the Supreme Court, and Constitutional Leadership in U.S. History*. Princeton: 2008.

Other Readings

New York Times, Topic: Supreme Court
http://topics.nytimes.com/top/reference/timestopics/organizations/s/supreme_court/index.html

Oyez
http://www.oyez.org/

The Avalon Project: Documents in Law, History and Development
http://avalon.law.yale.edu/

JSTOR
Electronic archive of scholarly articles available online through Fondren.

Lexis-Nexis and Westlaw
Electronic archives of court cases and law review articles available online through Fondren.

C. Course Assignments and Grading Policies

Students will be evaluated based on their performance in the areas described below. Details about these assignments will be discussed fully in class:

I. Class Participation

a. **[15% of total grade].** Students are expected to come to class with at least basic familiarity with the readings for that day. This does not mean you need to memorize the readings but it does mean you should be familiar with the basic themes and ideas and willing to ask questions about issues or raise concerns. I would prefer not to lecture endlessly so your willingness to raise questions or concerns can help us strike a fruitful balance between lecture and discussion.

II. Take-Home Midterm

a. **[25% of total grade]:** There will be a take-home, open book, open note exam. This will consist of two questions you will answer out of four I supply. There will be a two-page (typed, double spaced) limit on each answer.

You grade on this exam will be based on your ability to cogently and concisely answer the questions by assembling answers from the historical events, ideas and arguments presented in lecture and readings.

III. Brief Research Paper

a. **Paper [25% of total grade]:** Using a topic you choose related to course topics, you will write a brief research paper (10-page maximum) evaluating the interplay of geography, capital, labor, institutions, policy and innovation on the evolution of a firm in American.

b. **Poster Presentations [20% of total grade]:** You will prepare two research posters. If you are unfamiliar with posters, don't be worried as I will supply guidance on how to prepare them.

Poster I (to be presented on 3/18) you will present a basic research proposal articulating your research question(s), your source materials and your research strategy. The first research poster is intended to encourage you to flesh out your research plan and to familiarize yourself with the mechanics and logic of constructing a research poster.

Poster II (due 4/29 when you report your research findings) will summarize what you did, how you did it, and what you learned.

c. **Essay [15 % of total grade]:** You will write a brief essay (four pages maximum) relating your research topic and findings to materials we covered during the semester in readings, class lectures and discussions. This will be due at the end of the semester with your research paper.

D. Online Seminar and General Teaching Philosophy

While this course will be offered in online only format, as a seminar this doesn't change things that much. In seminars unlike regular classes, you are afforded the opportunity to learn in a very small group. As such, we won't have conventional lectures but we will discuss readings in our weekly meetings.

Seminars offer students uncommon opportunities to actively participate and share their impressions and criticisms of the readings, and to relate those readings to current or historical events. While this is an excellent opportunity, it is also a challenge. To fully leverage the advantages of the seminar, you must come each week fully prepared to actively discuss that week's readings.

If you have never taken a seminar, and are accustomed to normal lecture classes, please note the differing expectations for weekly preparation. If students come prepared each week, they can engage in useful exchanges of ideas and insights. If no one comes prepared, our seminar digresses to me talking about the readings in a lecture like style with really no value added by the seminar format.

E. Guidelines for Success

The formula for success in this course is very conventional. Come to class and stay abreast of the readings and lectures. This will allow you to contribute to discussions and raise questions germane to your various assignments. It is imperative that you ask questions in class, via phone or email about concerns or issues you are having in doing your assignments.

Very basic familiarity with American government and history is assumed. It is very unlikely all or even many students will be familiar with some of the more obscure or esoteric events we discuss. If something is unfamiliar to you, this should not be a source of embarrassment but grounds to ask questions. The more informed you are about readings and lectures, the better your questions will be. Better questions provide better solutions and produce better results.

I am happy to assist you via phone, text or email. I usually respond within an hour (although sometimes a day may be needed). Given this opportunity, there is absolutely no excuse for incomplete or misconstrued effort. Don't suffer in silence, throw up your hands in frustration and/or needlessly go down blind paths.

Bonus points ARE NOT awarded for any difficulties you experience that could have been addressed in a timely and effective manner by seeking guidance. Make your life easy: all of the major assignments in this course are best dealt with incrementally as the semester proceeds. Distribute your effort in line with the scheduled due dates presented below.

For the best result, move forward early on your assignments and ask questions (if you have any) as they arise. What you should not do is put off your work to find that you compress a multitude of frustrations, issues and questions into the days before the assignments are due. These likely cannot be addressed fruitfully in a week but could be addressed easily and effectively with time. View the efforts as bite sized steps and not supersized leaps. When approached this way, the assignments for this course are straightforward, informative and critical to the ultimate learning taken from the course.

F. Important Policies

Late Work

Late work will not be accepted without certified justification (e.g., Doctors note, death in the family, etc.). Students involved in sports or other school-related endeavors need to make every effort to prepare in advance for these activities.

Academic Honesty

Students will be expected to adhere to standards of academic honesty and integrity, as outlined in the Rice Honor Code.

ADA Statement

Any student with a documented disability needing academic adjustments or accommodations is requested to speak with me during the first two weeks of class. All discussions will remain confidential. Students with disabilities will need to also contact Disability Support Services in the Ley Student Center.

Any student with a disability requiring accommodations in this course is encouraged to contact me after class or during office hours. Additionally, students will need to contact Disability Support Services in the Ley Student Center.

If you have a documented disability that will impact your work in this class, please contact me to discuss your needs. Additionally, you will need to register with the Disability Support Services Office in the Ley Student Center.

G. Course Schedule

	Week	Topic	Readings
1	1/28	Introduction: Course Overview	
2	2/4	Legal Traditions	Friedman, Part I
3	2/11	American Foundations	Friedman, Part II; Powe, I-IV
4	2/18	Civil War to End of 20th Century	Friedman, Part III; Powe, V-VI
5	2/25	The 20th Century	Friedman Part IV; Powe, VII-XI
6	3/4	Research Workshop	
7	3/11	National Judicial Power	Whittington, All
8	3/18	Poster Session I: Research Plan	
9	3/25	Judicial Decision Making Part I	Segal and Spaeth, All
10	4/1	Judicial Decision Making Part II	Epstein and Knight, All
11	4/8	Sprinkle Day: No Class	
12	4/15	Judicial Impact I	Rosenberg, All
13	4/22	Judicial Impact II	Hall, All.
14	4/29	Poster Session II: Your Final Research Project	